



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-2007-553-39

Date
AUG 15 2007

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Canal Place LC

AGENT: Biota Environmental Design and Restoration

WATERWAY: Chesapeake and Delaware Canal

LOCATION: Dredging area located at Tax Map 43, Parcels 89 and 107; the disposal site is located at Tax Map 43, Parcel 283, in Chesapeake City, Cecil County, Maryland.

ACTIVITY: The applicant proposes to perform maintenance dredging within an existing tug boat basin located adjacent to the canal. This office previously authorized work at the site, via Department of the Army Permit Number CENAP-OP-R-199800518-51 on July 7, 1998. Approximately fourteen thousand seven hundred thirty three (14,733) cubic yards of material, composed primarily of fine sand, would be removed from approximately two and one tenth (2.1) acres of the basin. The material would be removed using a hydraulic dredge, with the material being disposed of at an adjoining upland disposal site. Pipelines from the dredging equipment would be placed in uplands as shown on the attached plan. Return water from the disposal would flow over land and return to the Long Creek. Work would be performed no closer than twenty (20) feet from the edge of the Federal navigation channel. The applicant has stated that no fills, within areas of Federal jurisdiction, would be performed as a result of the project. The applicant has requested that any permit issued by this office include a provision that authorizes maintenance dredging for 10 years.

PURPOSE: The applicant's stated purpose is to allow for access to the site for an ocean going tug boat operation.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 15 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). The site in question does not show up on in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999. This office will coordinate with the National Marine Fisheries Service to ensure impacts to fishery resources are minimal.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the

proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

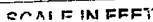
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Lawrence M. Slavitter at 215-656-6734 or writing this office at the above address.



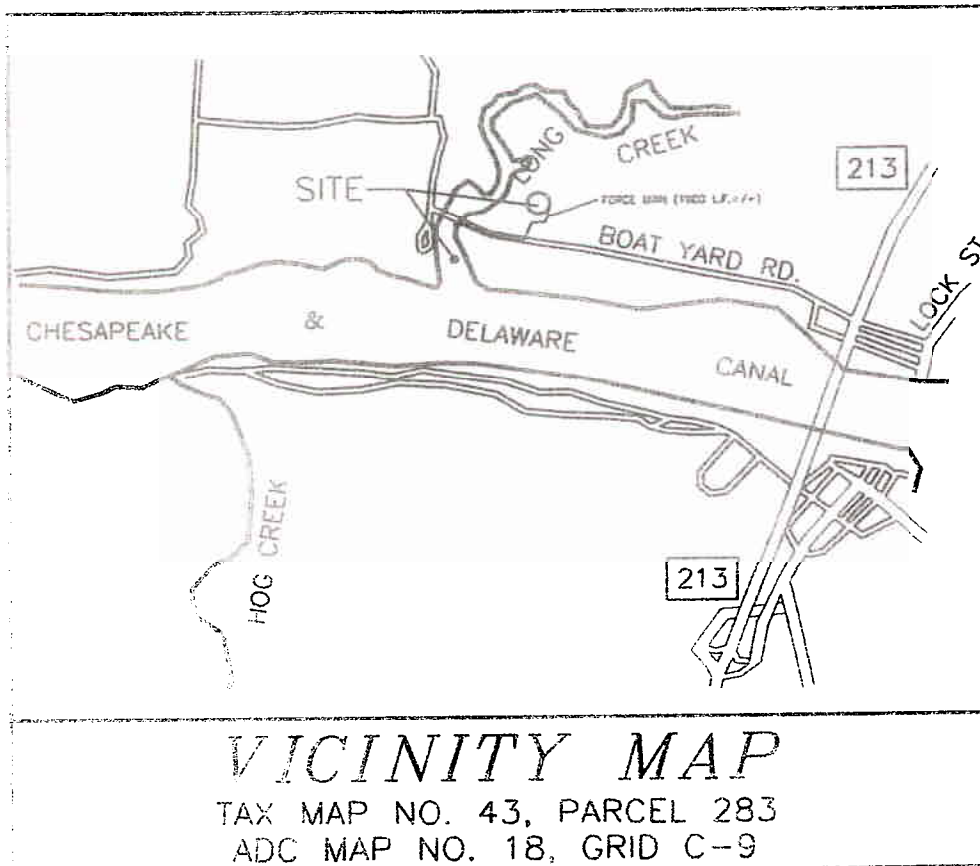
Frank J. Ciarrani
Chief, Regulatory Branch

38



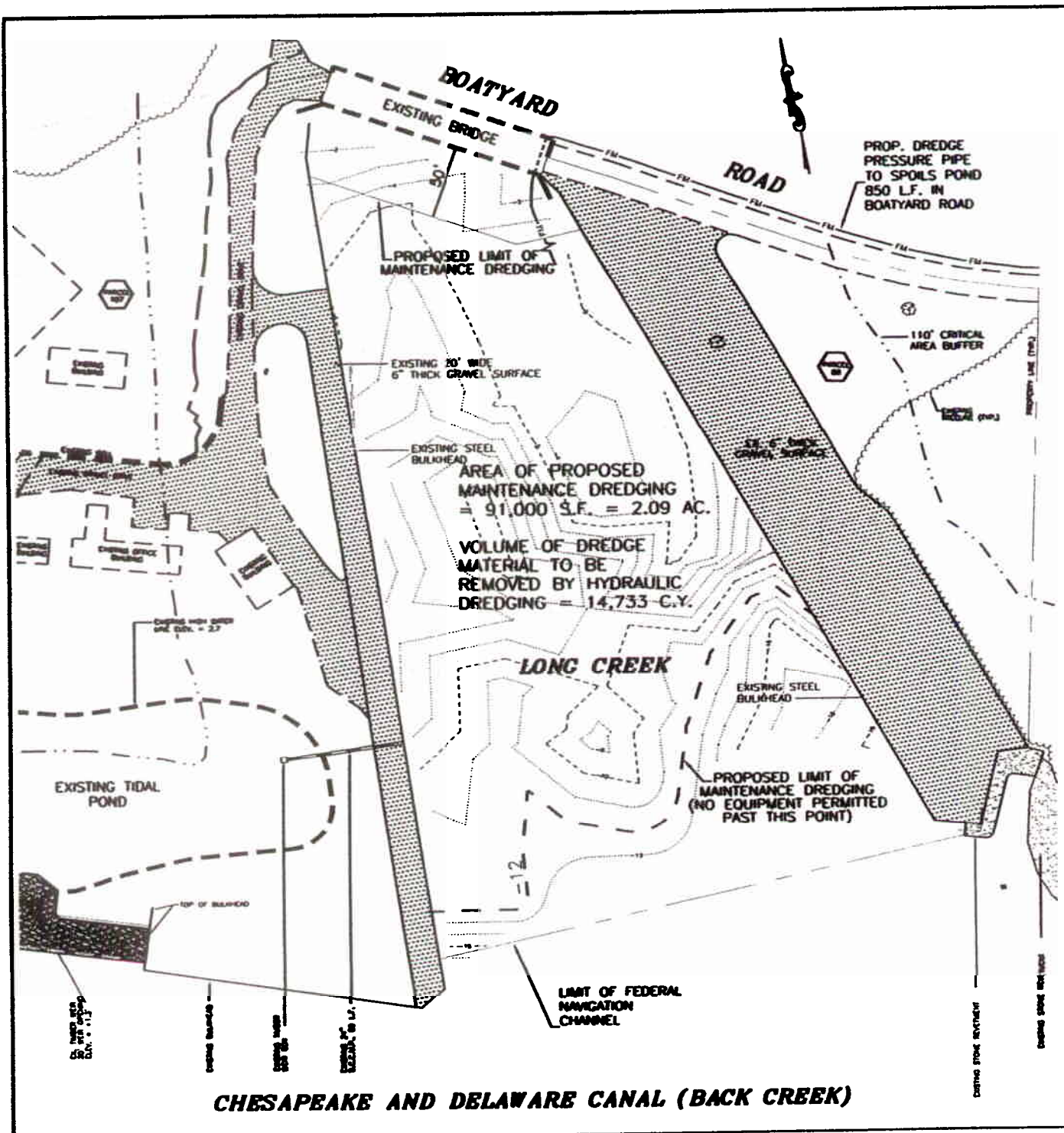
COPIED BY
STATE AND DEPARTMENT OF PLANNING

PROPERTY LINE
SUBJECT TO THE EASEMENT



VICINITY MAP

<u>Biota, Inc.</u> 107 CONNOLLY ROAD FALLSTON, MD 21047 (410) 893-3500		<u>PROPOSED MAINTENANCE DREDGING</u> APPLICANT: CANAL PLACE L.C. P.O. BOX 250 CHESAPEAKE CITY, MD 21915		ACTIVITIES: 1. MAINTENANCE DREDGE: AREA: 2.1 AC+/- C.Y.'S: 14,733+/- DEPTH: -12' MLW 2. ENLARGE EX. SPOILS POND TRIBUTARY: LONG CREEK	
SCALE: 1" = 2000'	COUNTY: CECIL	PERMIT NO.	DATE: 5/2006	SH. NO. 1	



MAINTENANCE DREDGING PLAN VIEW

Biota, Inc.

107 CONNOLLY ROAD
FALLSTON, MD 21047
(410) 893-3500

PROPOSED MAINTENANCE DREDGING

APPLICANT:
CANAL PLACE L.C.
P.O. BOX 250
CHESAPEAKE CITY, MD 21915

ACTIVITIES:

1. MAINTENANCE DREDGE:

AREA: 2.1 AC+/-

C.Y.'S: 14,733+/-

DEPTH: -12' MLW

2. ENLARGE EX. SPOILS POND
TRIBUTARY: LONG CREEK

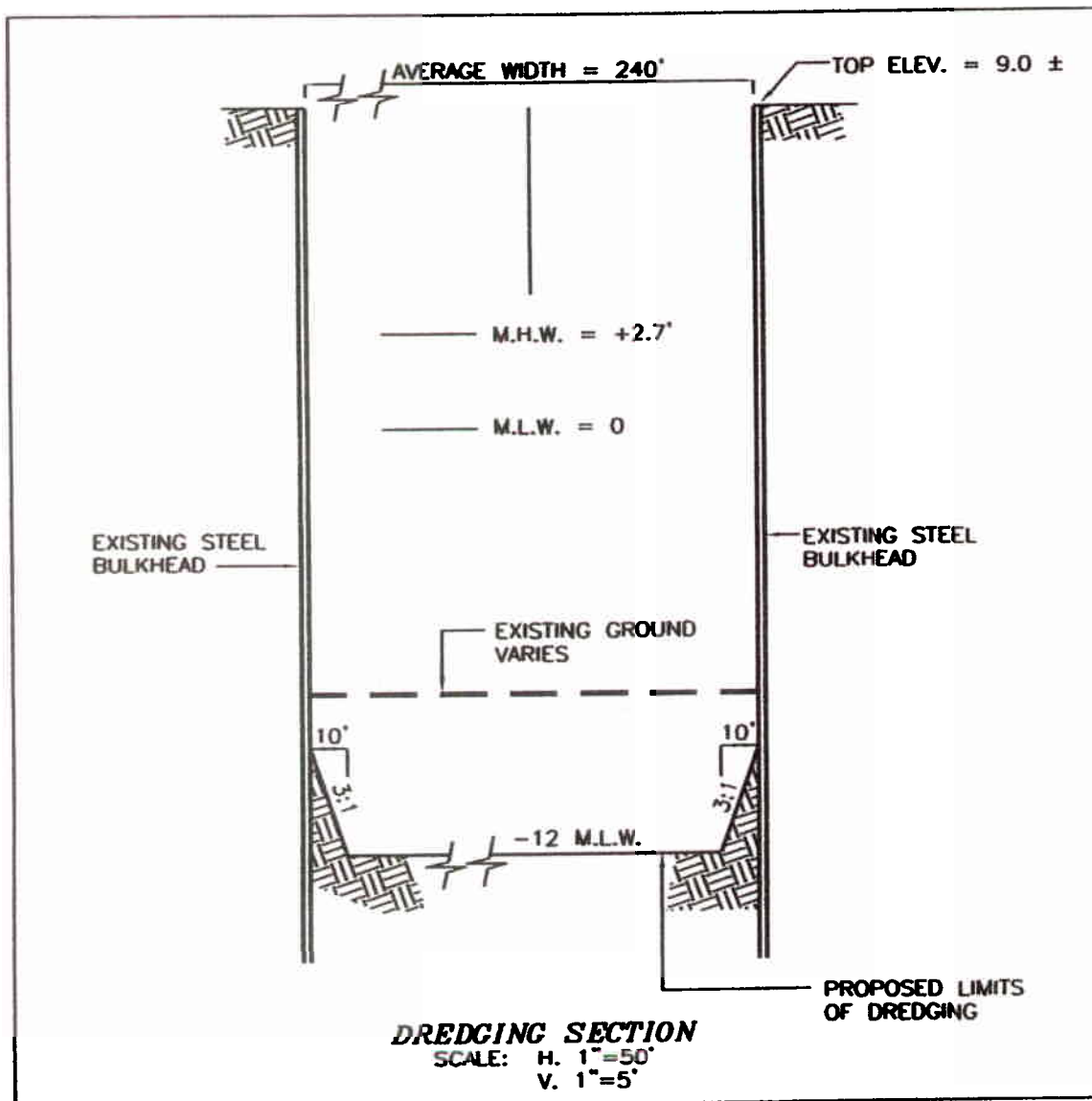
SCALE: 1" = 100'

COUNTY: CECIL

PERMIT NO.

DATE: 5/2006

SH. NO. 2



MAINTENANCE DREDGING SECTION

Biota, Inc.

107 CONNOLLY ROAD
 FALLSTON, MD 21047
 (410) 893-3500

PROPOSED MAINTENANCE DREDGING

APPLICANT:
 CANAL PLACE L.C.
 P.O. BOX 250
 CHESAPEAKE CITY, MD 21915

ACTIVITIES:

1. MAINTENANCE DREDGE:

AREA: 2.1 AC+/-

C.Y.'S: 14,733+/-

DEPTH: -12' MLW

2. ENLARGE EX. SPOILS POND
 TRIBUTARY: LONG CREEK

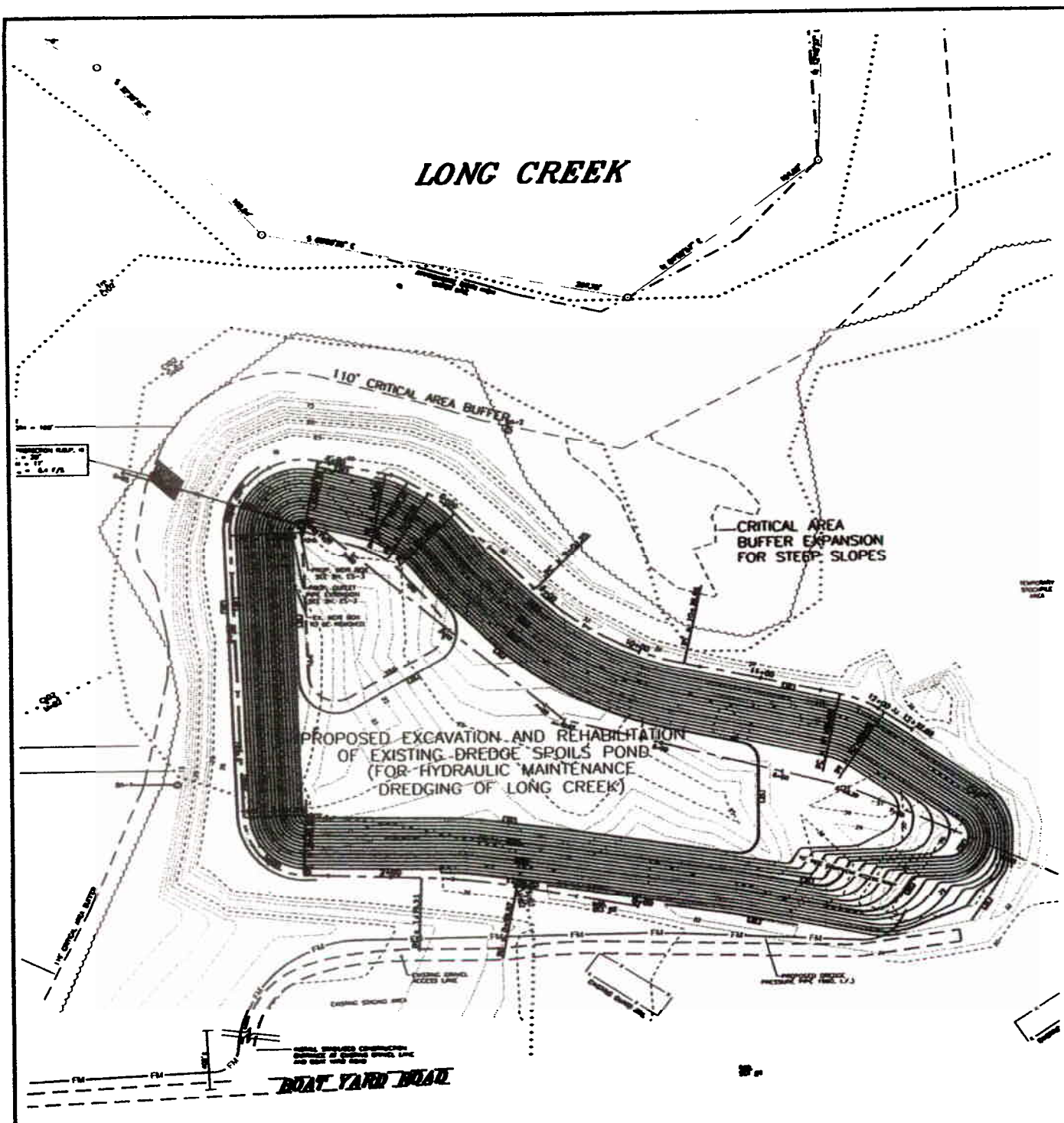
SCALE: SEE PLAN

COUNTY: CECIL

PERMIT NO.

DATE: 5/2006

SH. NO. 3



ENLARGED DREDGE SPOILS POND PLAN VIEW

Biota, Inc.

107 CONNOLLY ROAD
FALLSTON, MD 21047
(410) 893-3500

PROPOSED MAINTENANCE DREDGING

APPLICANT:

CANAL PLACE L.C.
P.O. BOX 250
CHESAPEAKE CITY, MD 21915

ACTIVITIES:

1. MAINTENANCE DREDGE:

AREA: 2.1 AC+/-
C.Y.'S: 14,733+/-
DEPTH: -12' MLW

2. ENLARGE EX. SPOILS POND
TRIBUTARY: LONG CREEK

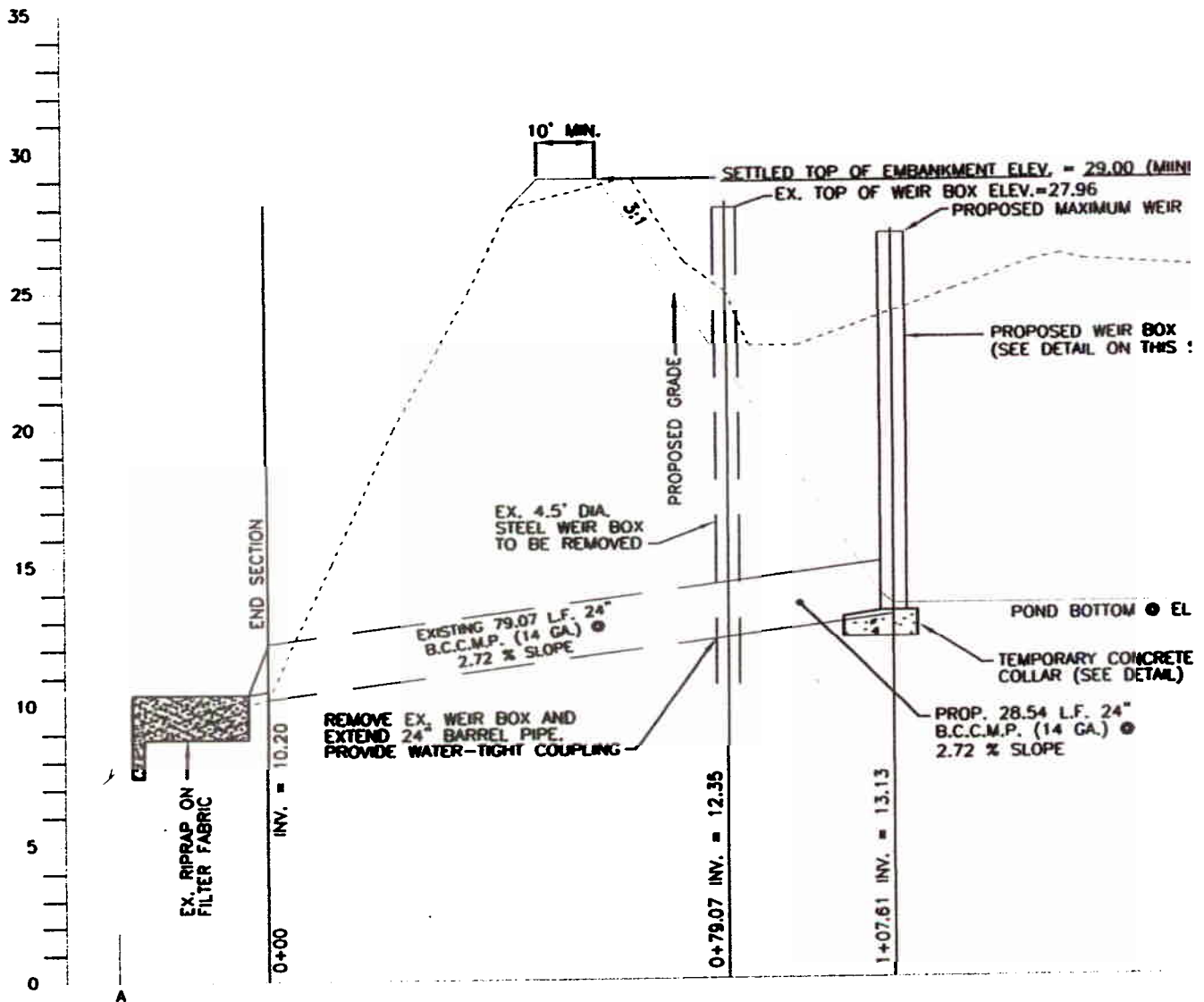
SCALE: 1" = 120'

COUNTY: CECIL

PERMIT NO.

DATE: 5/2006

SH. NO. 4



PRINCIPAL SPILLWAY PROFILE

SCALE: H. 1" = 30'

POND SPILLWAY PROFILE

Biota, Inc.

107 CONNOLLY ROAD
FALLSTON, MD 21047
(410) 893-3500

PROPOSED MAINTENANCE DREDGING

APPLICANT:
CANAL PLACE L.C.
P.O. BOX 250
CHESAPEAKE CITY, MD 21915

ACTIVITIES:

1. MAINTENANCE DREDGE:

AREA: 2.1 AC +/-

C.Y.'S: 14,733 +/-

DEPTH: -12' MLW

2. ENLARGE EX. SPOILS POND
TRIBUTARY: LONG CREEK

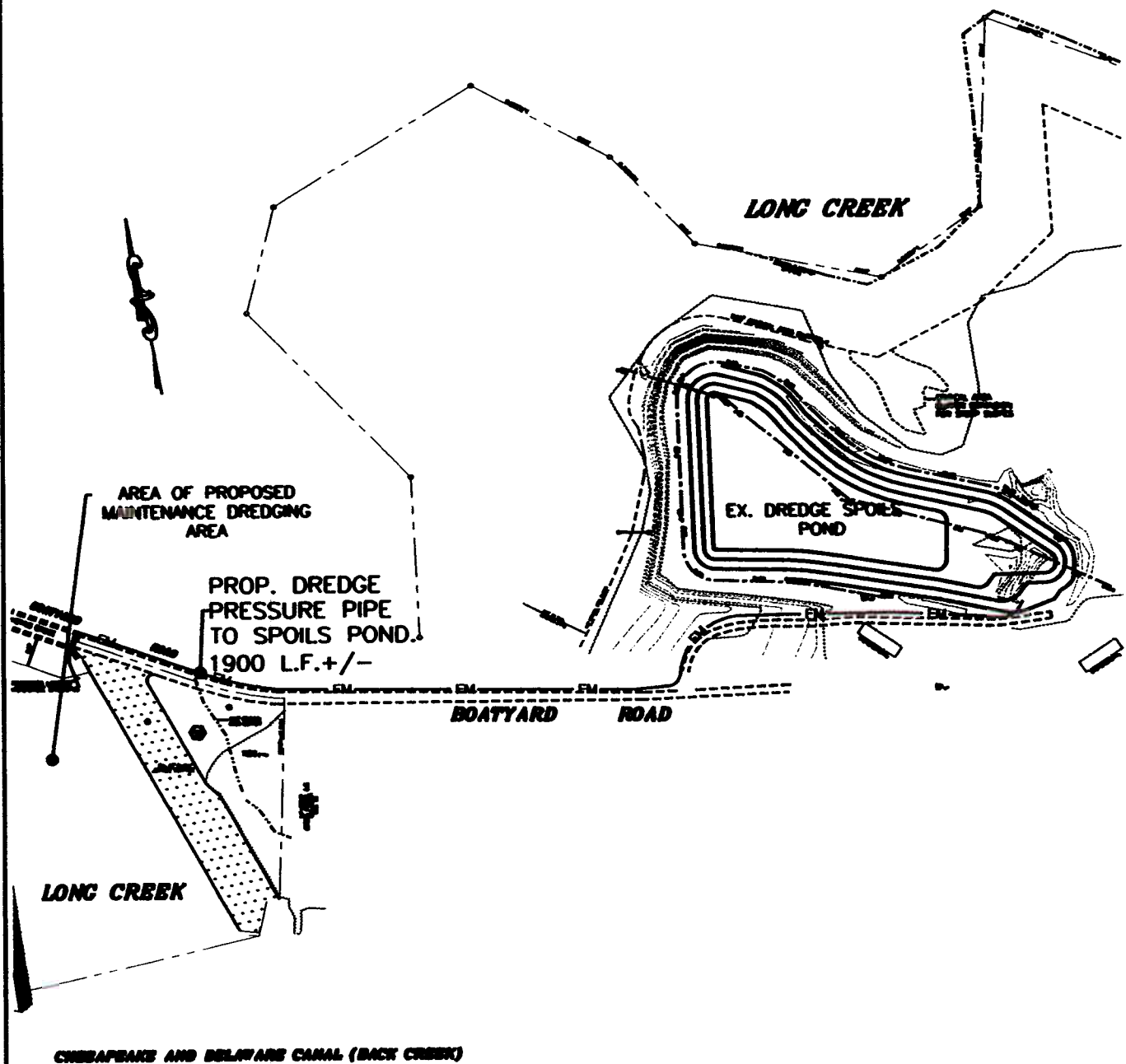
SCALE: SEE PLAN

COUNTY: CECIL

PERMIT NO.

DATE: 5/2006

SH. NO. 5



PIPELINE LOCATION PLAN VIEW

Biota, Inc.

107 CONNOLLY ROAD
FALLSTON, MD 21047
(410) 893-3500

PROPOSED MAINTENANCE DREDGING

APPLICANT:

CANAL PLACE L.C.
P.O. BOX 250
CHESAPEAKE CITY, MD 21915

ACTIVITIES:

1. MAINTENANCE DREDGE:

AREA: 2.1 AC +/-

C.Y.'S: 14,733 +/-

DEPTH: -12' MLW

2. ENLARGE EX. SPOILS POND
TRIBUTARY: LONG CREEK

SCALE: 1"=250'

COUNTY: CECIL

PERMIT NO.

DATE: 6/2006

SH. NO. 6